

**FILED**

APR 09 2009

**RICHARD W. WIEKING**  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14  
15 UNITED STATES OF AMERICA, ) CR No. 09-70296 EMC  
16 Plaintiff, )  
17 v. ) STIPULATION AND [PROPOSED] ORDER  
18 NOEL GILLETT, ) RE: MENTAL EVALUATION  
19 Defendant. )  
20

21 On April 1, 2009, the parties in this case appeared before Magistrate Judge Zimmerman  
22 for the defendant's initial appearance on a Complaint. At that initial appearance, counsel for the  
23 government requested that the defendant be evaluated by a psychiatrist or psychologist to  
24 determine the defendant's mental condition, pursuant to 18 U.S.C. § 3142(g)(3)(A).

25 On April 7, 2009, the parties appeared before Judge Zimmerman for a detention hearing,  
26 at which time the defendant waived a detention hearing, subject to a preservation of his right to  
27 request a detention hearing at a later time. At the April 7 hearing, the parties and the Court  
28 discussed the defendant's mental state once again, and the parties agreed to explore what mental

STIP. & [PROPOSED] ORDER RE: MENTAL EVALUATION  
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1 evaluation and/or treatment options were available through Pre-Trial Services. The Court agreed  
2 that such an evaluation would be appropriate.

3 After the hearing, counsel for the defendant consulted further with Pre-Trial Services and  
4 was informed that the defendant could be evaluated by a mental health professional, but that a  
5 written order from the Court is required. Pursuant to that requirement, the parties hereby  
6 stipulate that such an evaluation is necessary and respectfully request that the Court order that  
7 such an evaluation be conducted at the direction of Pre-Trial Services. Counsel for the defendant  
8 will coordinate with Pre-Trial Services and communicate with the Government and the Court as  
9 appropriate for future dates.

10  
11 SO STIPULATED:

12 JOSEPH P. RUSSONIELLO  
United States Attorney

13  
14 DATED: April 8, 2009

/s/  
15 KEVIN J. BARRY  
Assistant United States Attorney

16  
17 DATED: April 8, 2009

/s/  
18 LOREN G. STEWART  
Attorney for NOEL GILLETT

19  
20 [PROPOSED] ORDER

21 For the reasons stated above and at the hearings in this matter, the Court finds that an  
22 evaluation of the defendant's mental condition by a psychiatrist or psychologist is necessary, and  
23 hereby ORDERS that Pre-Trial Services have such an evaluation be conducted.

24  
25 IT IS SO ORDERED.

26  
27 DATED: 4/9/09

  
28 THE HON. MARIA-ELENA JAMES  
United States Magistrate Judge